

Assembly Bill No. 969

Passed the Assembly May 21, 1998

Chief Clerk of the Assembly

Passed the Senate May 18, 1998

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

An act to amend Sections 27, 101, 112, 130, 149, 6710, 6732, 6787, 8706, and 8710 of, and to add Sections 6706.3, 6732.3, and 6732.4 to, the Business and Professions Code, to amend Section 26509 of the Government Code, and to amend Section 25208.9 of the Health and Safety Code, relating to professional engineers.

LEGISLATIVE COUNSEL'S DIGEST

AB 969, Cardenas. Professional engineers.

(1) The Professional Engineers Act provides for the registration of persons practicing engineering in this state, either in a public or private capacity, with the State Board of Registration for Professional Engineers and Land Surveyors, in accordance with certain requirements.

This bill would instead provide for the licensure of persons practicing engineering in the state. It would change the name of the board to the "Board for Professional Engineers and Land Surveyors."

(2) The act also prohibits any person other than a professional engineer from using in any manner, including in connection with the stamping or sealing of plans, specifications, plats, reports, or other documents, the title "professional engineer" and certain other similar titles, including the branch titles "corrosion engineer," "quality engineer," and "safety engineer."

This bill would, with respect to that prohibition, add the title "licensed engineer" to the list of proscribed titles, and would delete the branch titles specified above, but would provide that persons registered in those branches or completing the examination process for those branches prior to January 1, 1999, may continue to use those branch titles. The bill would prohibit the board from administering any examinations for these branch titles on or after that date.



The people of the State of California do enact as follows:

SECTION 1. Section 27 of the Business and Professions Code is amended to read:

27. (a) Every entity specified in subdivision (b), on or before January 1, 1999, shall provide on the Internet information regarding the status of every license issued by that entity in accordance with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). The public information to be provided on the Internet shall include information on suspensions and revocations of licenses issued by a board and other related enforcement action taken by a board relative to persons, businesses, or facilities subject to licensure or regulation by a board. In providing information on the Internet, each entity shall comply with the Department of Consumer Affairs Guidelines for Access to Public Records. The information shall not include personal information including home address (unless used as a business address), home telephone number, date of birth, or social security number.

(b) Each of the following entities within the Department of Consumer Affairs shall comply with the requirements of this section:

(1) The Acupuncture Committee shall disclose information on its licensees.

(2) The Board of Behavioral Science Examiners shall disclose information on its licensees, including marriage, family and child counselors; licensed clinical social workers; and licensed educational psychologists.

(3) The Board of Dental Examiners shall disclose information on its licensees.

(4) The State Board of Optometry shall disclose information regarding certificates of registration to practice optometry, statements of licensure, optometric corporation registrations, branch office licenses, and fictitious name permits of their licensees.



(5) The Board for Professional Engineers and Land Surveyors shall disclose information on its registrants and licensees.

(6) The Structural Pest Control Board shall disclose information on its licensees, including applicators; field representatives; and operators in the areas of fumigation, general pest and wood destroying pests and organisms, and wood roof cleaning and treatment.

(7) The Bureau of Automotive Repair shall disclose information on its licensees, including auto repair dealers, smog stations, lamp and brake stations, smog check technicians, and smog inspection certification stations.

(8) The Bureau of Electronic and Appliance Repair shall disclose information on its licensees, including major appliance repair dealers, combination dealers (electronic and appliance), electronic repair dealers, service contract sellers, and service contract administrators.

(9) The cemetery program shall disclose information on its licensees, including cemetery brokers, cemetery salespersons, crematories, and cremated remains disposers.

(10) The funeral program shall disclose information on its licensees, including, embalmers, funeral director establishments, and funeral directors.

(11) The Contractors' State License Board shall disclose information on its licensees in accordance with Chapter 9 (commencing with Section 7000) of Division 3.

(c) "Internet" for the purposes of this section has the meaning set forth in paragraph (6) of subdivision (e) of Section 17538 of the Business and Professions Code.

SEC. 2. Section 101 of the Business and Professions Code is amended to read:

101. The department is comprised of:

- (a) The Board of Dental Examiners of California.
- (b) The Medical Board of California.
- (c) The State Board of Optometry.
- (d) The California State Board of Pharmacy.
- (e) The Veterinary Medical Board.
- (f) The Board of Accountancy.



- (g) The California State Board of Architectural Examiners.
- (h) The State Board of Barbering and Cosmetology.
- (i) The Board for Professional Engineers and Land Surveyors.
- (j) The Contractors' State License Board.
- (k) The State Board of Funeral Directors and Embalmers.
- (l) The Structural Pest Control Board.
- (m) The Bureau of Home Furnishings and Thermal Insulation.
- (n) The Board of Registered Nursing.
- (o) The Board of Behavioral Science Examiners.
- (p) The State Athletic Commission.
- (q) The Cemetery Board.
- (r) The State Board of Guide Dogs for the Blind.
- (s) The Bureau of Security and Investigative Services.
- (t) The Court Reporters Board of California.
- (u) The Board of Vocational Nursing and Psychiatric Technicians.
- (v) The California State Board of Landscape Architects.
- (w) The Bureau of Electronic and Appliance Repair.
- (x) The Division of Investigation.
- (y) The Bureau of Automotive Repair.
- (z) The State Board of Registration for Geologists and Geophysicists.
- (aa) The State Board of Nursing Home Administrators.
- (ab) The Respiratory Care Examining Committee.
- (ac) The Acupuncture Examining Committee.
- (ad) The Board of Psychology.
- (ae) The California Board of Podiatric Medicine.
- (af) The Physical Therapy Board.
- (ag) The Arbitration Review Program.
- (ah) The Committee on Dental Auxiliaries.
- (ai) The Hearing Aid Dispensers Examining Committee.
- (aj) The Physician Assistant Examining Committee.

(ak) The Speech-Language Pathology and Audiology Board.

(al) The Tax Preparers Program.

(am) Any other boards, offices, or officers subject to its jurisdiction by law.

SEC. 3. Section 112 of the Business and Professions Code is amended to read:

112. Notwithstanding any other provision of this code, no agency in the department, with the exception of the Board for Professional Engineers and Land Surveyors, shall be required to compile, publish, sell, or otherwise distribute a directory. When an agency deems it necessary to compile and publish a directory, the agency shall cooperate with the director in determining its form and content, the time and frequency of its publication, the persons to whom it is to be sold or otherwise distributed, and its price if it is sold. Any agency that requires the approval of the director for the compilation, publication, or distribution of a directory, under the law in effect at the time the amendment made to this section at the 1970 Regular Session of the Legislature becomes effective, shall continue to require that approval. As used in this section, "directory" means a directory, roster, register, or similar compilation of the names of persons who hold a license, certificate, permit, registration, or similar indicia of authority from the agency.

SEC. 4. Section 130 of the Business and Professions Code is amended to read:

130. (a) Notwithstanding any other provision of law, the term of office of any member of an agency designated in subdivision (b) shall be for a term of four years expiring on June 1.

(b) Subdivision (a) applies to the following boards or committees:

- (1) Medical Board of California.
- (2) California Board of Podiatric Medicine.
- (3) Physical Therapy Examining Committee.
- (4) Board of Registered Nursing.
- (5) Board of Vocational Nursing and Psychiatric Technicians.



- (6) State Board of Optometry.
- (7) California State Board of Pharmacy.
- (8) Veterinary Medical Board.
- (9) California Board of Architectural Examiners.
- (10) California State Board of Landscape Architects.
- (11) State Board of Barbering and Cosmetology.
- (12) Board for Professional Engineers and Land Surveyors.
- (13) Contractors' State License Board.
- (14) State Board of Guide Dogs for the Blind.
- (15) State Board of Funeral Directors and Embalmers.
- (16) Board of Behavioral Science Examiners.
- (17) Structural Pest Control Board.
- (18) Cemetery Board.
- (19) Bureau of Electronic and Appliance Repair Advisory Board.
- (20) Court Reporters Board of California.
- (21) State Board of Registration for Geologists and Geophysicists.
- (22) State Athletic Commission.
- (23) Osteopathic Medical Board of California.
- (24) The Respiratory Care Board of California.
- (25) The Acupuncture Examining Committee.
- (26) The Board of Psychology.

SEC. 5. Section 149 of the Business and Professions Code is amended to read:

149. (a) If, upon investigation, an agency designated in subdivision (e) has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by or registered with the agency to offer or perform those services, the agency may issue a citation under Section 148 containing an order of correction that requires the violator to do both of the following:

- (1) Cease the unlawful advertising.
- (2) Notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.



(b) This action is stayed if the person to whom a citation is issued under subdivision (a) notifies the agency in writing that he or she intends to contest the citation. The agency shall afford an opportunity for a hearing, as specified in Section 125.9.

(c) If the person to whom a citation and order of correction is issued under subdivision (a) fails to comply with the order of correction after that order is final, the agency shall inform the Public Utilities Commission of the violation and the Public Utilities Commission shall require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

(d) The good faith compliance by a telephone corporation with an order of the Public Utilities Commission to terminate service issued pursuant to this section shall constitute a complete defense to any civil or criminal action brought against the telephone corporation arising from the termination of service.

(e) Subdivision (a) shall apply to the following boards, bureaus, committees, commissions, or programs:

- (1) The State Board of Barbering and Cosmetology.
- (2) The State Board of Funeral Directors and Embalmers.
- (3) The Veterinary Medical Board.
- (4) The Hearing Aid Dispensers Examining Committee.
- (5) The State Board of Landscape Architects.
- (6) The California Board of Podiatric Medicine.
- (7) The Respiratory Care Board of California.
- (8) The Bureau of Home Furnishings and Thermal Insulation.
- (9) The Bureau of Security and Investigative Services.
- (10) The Bureau of Electronic and Appliance Repair.
- (11) The Bureau of Automotive Repair.
- (12) The Tax Preparers Program.
- (13) The California Board of Architectural Examiners.
- (14) The Speech-Language Pathology and Audiology Examining Committee.



(15) The Board for Professional Engineers and Land Surveyors.

(16) The Board of Behavioral Science Examiners.

(17) The State Board of Registration for Geologists and Geophysicists.

(18) The Structural Pest Control Board.

(19) The Acupuncture Examining Committee.

(20) The Board of Psychology.

(21) The State Board of Accountancy.

SEC. 6. Section 6706.3 is added to the Business and Professions Code, to read:

6706.3. Any reference in any law or regulation to a registered engineer, or to a registered civil, electrical, or mechanical engineer, is deemed to refer to a licensed engineer, or to a licensed civil, electrical, or mechanical engineer, as the case may be.

SEC. 7. Section 6710 of the Business and Professions Code is amended to read:

6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, which consists of 13 members.

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors is deemed to refer to the Board for Professional Engineers and Land Surveyors.

(c) This section shall become inoperative on July 1, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473). However, the review of the board shall be limited to only those unresolved issues identified by the Joint Legislative Sunset Review Committee.

SEC. 8. Section 6732 of the Business and Professions Code is amended to read:

6732. It is unlawful for anyone other than a professional engineer licensed under this chapter to stamp or seal any plans, specifications, plats, reports, or

other documents with the seal or stamp of a professional engineer, or in any manner, use the title “professional engineer,” “licensed engineer,” “registered engineer,” or “consulting engineer,” or any of the following branch titles: “agricultural engineer,” “chemical engineer,” “civil engineer,” “control system engineer,” “electrical engineer,” “fire protection engineer,” “industrial engineer,” “manufacturing engineer,” “mechanical engineer,” “metallurgical engineer,” “nuclear engineer,” “petroleum engineer,” or “traffic engineer,” or any combination of these words and phrases or abbreviations thereof unless licensed under this chapter.

SEC. 9. Section 6732.3 is added to the Business and Professions Code, to read:

6732.3. (a) Any person who has received from the board a registration or license in corrosion, quality, or safety engineering, and who holds a valid registration or license to practice professional engineering under this chapter, may continue to use the branch title of the branch in which the professional engineer is legally registered. A person holding a registration in corrosion, quality, or safety engineering is subject to the registration or license renewal provisions of this chapter.

(b) The professional engineer also may continue to use the title of “professional engineer,” “licensed engineer,” “registered engineer,” or “consulting engineer.”

SEC. 10. Section 6732.4 is added to the Business and Professions Code, to read:

6732.4. Notwithstanding any other provision of law, any person who has applied for registration as a corrosion, quality, or safety engineer, and who has completed the written examination in one or more of these branch titles prior to January 1, 1999, shall be issued a registration in the branch title for which the applicant was examined, provided that he or she has met all other qualifications for registration. The board shall not administer any examination for registration as a corrosion, quality, or safety engineer on or after January 1, 1999.

SEC. 11. Section 6787 of the Business and Professions Code is amended to read:



6787. Every person is guilty of a misdemeanor and for each offense of which he or she is convicted is punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed three months, or by both that fine and imprisonment:

(a) Who, unless he or she is exempt from registration under this chapter, practices or offers to practice civil, electrical, or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his or her own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself or herself as, or use the title of, registered civil, electrical, or mechanical engineer, or any other title whereby such person could be considered as practicing or offering to practice civil, electrical, or mechanical engineering in any of its branches, unless he or she is correspondingly qualified by registration as a civil, electrical, or mechanical engineer under this chapter.

(g) Who, unless appropriately registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil, electrical, or mechanical engineering work is solicited, performed, or practiced.

(h) Who uses the title, or any combination of that title, of “professional engineer,” “licensed engineer,” “registered engineer,” or the branch titles specified in Section 6732, or the authority titles specified in Section 6763, or “engineer-in-training,” or who makes use of any abbreviation of that title which might lead to the belief that he or she is a registered engineer, without being registered as required by this chapter.

(i) Who uses the title “consulting engineer” without being registered as required by this chapter or without being authorized to use that title pursuant to legislation enacted at the 1963, 1965 or 1968 Regular Session.

(j) Who violates any provision of this chapter.

SEC. 12. Section 8706 of the Business and Professions Code is amended to read:

8706. “Board” refers to the Board for Professional Engineers and Land Surveyors.

SEC. 13. Section 8710 of the Business and Professions Code is amended to read:

8710. The Board for Professional Engineers and Land Surveyors is vested with power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations that are reasonably necessary to carry out its provisions.

This section shall become inoperative on July 1, 2000, and, as of January 1, 2001, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2001, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this section shall render the board subject to the review required by Division 1.2 (commencing with Section 473). However, the review of this board shall be limited to only those unresolved issues identified by the Joint Legislative Sunset Review Committee.

SEC. 14. Section 26509 of the Government Code is amended to read:

26509. (a) Notwithstanding any other provision of law, including any provision making records confidential, and including Title 1.8 (commencing with Section 1798) of Part 4 of Division 3 of the Civil Code, the district attorney shall be given access to, and may make copies of, any complaint against a person subject to regulation by a consumer-oriented state agency and any investigation of the person made by the agency, where that person is being investigated by the district attorney regarding possible consumer fraud.



(b) Where the district attorney does not take action with respect to the complaint or investigation, the material shall remain confidential.

(c) Where the release of the material would jeopardize an investigation or other duties of a consumer-oriented state agency, the agency shall have discretion to delay the release of the information.

(d) As used in this section, a consumer-oriented state agency is any state agency that regulates the licensure, certification, or qualification of persons to practice a profession or business within the state, where the regulation is for the protection of consumers who deal with the professionals or businesses. It includes, but is not limited to, all of the following:

- (1) The Board of Dental Examiners of California.
- (2) The Medical Board of California.
- (3) The State Board of Optometry.
- (4) The California State Board of Pharmacy.
- (5) The Veterinary Medical Board.
- (6) The State Board of Accountancy.
- (7) The California State Board of Architectural Examiners.
- (8) The State Board of Barbering and Cosmetology.
- (9) The Board for Professional Engineers and Land Surveyors.
- (10) The Contractors' State License Board.
- (11) The State Board of Funeral Directors and Embalmers.
- (12) The Structural Pest Control Board.
- (13) The Bureau of Home Furnishings and Thermal Insulation.
- (14) The Board of Registered Nursing.
- (15) The State Board of Fabric Care.
- (16) The Board of Chiropractic Examiners.
- (17) The Board of Behavioral Science Examiners.
- (18) The State Athletic Commission.
- (19) The Cemetery Board.
- (20) The State Board of Guide Dogs for the Blind.
- (21) The Bureau of Collection and Investigative Services.



- (22) The Court Reporters Board of California.
- (23) The Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
- (24) The California State Board of Landscape Architects.
- (25) The Osteopathic Medical Board of California.
- (26) The Division of Investigation.
- (27) The Bureau of Automotive Repair.
- (28) The State Board of Registration for Geologists and Geophysicists.
- (29) The State Board of Nursing Home Administrators.
- (30) The Department of Alcoholic Beverage Control.
- (31) The Department of Insurance.
- (32) The Public Utilities Commission.
- (33) The State Department of Health Services.
- (34) The New Motor Vehicle Board.

SEC. 15. Section 25208.9 of the Health and Safety Code is amended to read:

25208.9. (a) Notwithstanding Section 25189, any person who is required to file a hydrogeological assessment report with a regional board pursuant to Section 25208.7, and who fails to do so, shall be liable civilly in a sum of not less than one thousand dollars (\$1,000) and not more than ten thousand dollars (\$10,000) for each day the report has not been received.

(b) Notwithstanding Section 25189, any person who submits false information to the regional board shall be liable civilly in a sum of not less than two thousand dollars (\$2,000) and not more than twenty-five thousand dollars (\$25,000) for each day the false information goes uncorrected.

(c) In determining the amount of civil liability imposed pursuant to this section, the court shall consider all relevant circumstances, including, but not limited to, the extent of harm or potential harm caused by the violation, the nature of the violation and the period of time over which it occurred, the frequency of past violations, and the corrective action, if any, taken by the person.



(d) A regional board shall submit any report that contains false information to the State Board for Geologists and Geophysicists for the purpose of disciplinary action pursuant to Section 7860 of the Business and Professions Code or to the Board for Professional Engineers and Land Surveyors for the purpose of taking disciplinary action pursuant to Section 6775 of the Business and Professions Code, as appropriate.



Approved _____, 1998

Governor

